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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,596	01/24/2005	Patrick Ziegler	860-011847-US(PAR)/200104	4759
2512	7590	03/02/2006	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			LEE, PATRICK J	
			ART UNIT	PAPER NUMBER
			2878	

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	Application No. 10/500,596	Applicant(s) ZIEGLER ET AL	
	Examiner Patrick J. Lee	Art Unit 2878	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                                               |                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06292004</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because the blocks in the figures should have the description disposed within the box in order to better inform the reader as to what the block represents. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Label "203" is not shown in the figure 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

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abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

3. Claims 8-9 are objected to because of the following informalities:

With respect to claim 8, the preamble should be consistent with other claims dependent on claim 1. In addition, "the method of one of the claims 1" is incorrect grammar.

With respect to claim 9, "and" should be disposed after "reflection" on line 8 in order to separate the different elements of the setup.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,764,348 to Bloom in view of US 5,227,623 to Heffner.

With respect to claim 1, Bloom discloses an optical switching assembly for testing device under test (10) comprising: laser (14); switch (22a) for feeding two portions of light into fibers (32a-32d) that will illuminate device (10); switch (22b) for receiving signals from both directions transmitted and received by the device under test (10); detector (16) for identifying at least the coded parts. However, Bloom does not explicitly disclose the distinguishably coding aspect of the claim. Heffner discloses such an arrangement through the use of polarization synthesizer (50) to code a beam, while polarimeter (10) and microprocessor (27) would then be used to analyze the coded parts.

With respect to claims 2-3, the modified Bloom does not explicitly disclose the coding based on time, but the teachings of Heffner disclose the usage of time delays (see column 10, lines 8-16) as a method of determination of the polarization state.

With respect to claim 4, the modified Bloom discloses the use of switches (22a, 22b).

With respect to claims 5-6, the modified Bloom discloses the coding based on two different wavelengths (See Heffner column 10, lines 38-51).

With respect to claim 7, the modified Bloom does not explicitly disclose the use of a reference signal to transmit to device under test (10), but such would have been obvious to one of ordinary skill in the art in order to give the device improved and additional ability to determine the characteristics of the device under test (10).

With respect to claim 8, the modified Bloom does not disclose the software program, but such would have been obvious to one of ordinary skill in the art in order to operate the microprocessor (27).

With respect to claim 9, Bloom discloses an optical switching assembly for testing device under test (10) comprising: laser (14); switch (22a) for feeding two portions of light into fibers (32a-32d) that will illuminate device (10); switch (22b) for receiving signals from both directions transmitted and received by the device under test (10); detector (16) for identifying at least the coded parts. Optical fibers (32a-32b) and optical junction (38a-38d) serve as feeding elements and receiving elements to both transmit and receive optical signals from device under test (10). However, Bloom does not explicitly disclose the distinguishably coding aspect of the claim. Heffner discloses such an arrangement through the use of polarization synthesizer (50) to code a beam, while polarimeter (10) and microprocessor (27) would then be used to analyze the coded parts.

With respect to claim 10, the modified Bloom discloses the use of switches (22a, 22b).

With respect to claim 11, the modified Bloom discloses the use of a beam splitter (see figure 1), but does not explicitly disclose the use of a spectral modulating device. However, the modified Bloom discloses the coding based on two different wavelengths (See Heffner column 10, lines 38-51).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6,788,396 B2 to Stolte et al discloses an optical testing device.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick J. Lee whose telephone number is (571) 272-2440. The examiner can normally be reached on Monday through Friday, 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

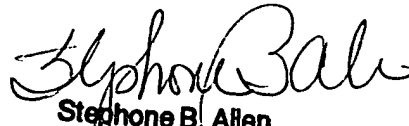
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Patrick J. Lee  
Examiner  
Art Unit 2878

PJL  
February 27, 2006

  
Stephone B. Allen  
Primary Examiner